

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MATTEL, INC., :

Plaintiff, :

-against- : 20 Civ. 10684 (NRB)

STICKIT GRAPHIX, THE ENTITIES :
DOING BUSINESS ON AMAZON.COM :
UNDER THE BRAND NAME STICKIT :
GRAPHIX, THE ENTITIES DOING :
BUSINESS ON AMAZON.COM UNDER :
THE STORE NAME SUNNY SUPER, :
THE ENTITIES DOING BUSINESS ON :
AMAZON.COM UNDER THE ENTITY :
NAME HEBEI PENGZE JIAYUE STEEL :
SALES CO., LTD., JOHN DOE NOS. :
1-5, AND ABC ENTITY NOS. 1-5, :

Defendants. :

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ORDER OF ATTACHMENT AND PRELIMINARY INJUNCTION

Upon the application of plaintiff Mattel, Inc. (“Mattel”), for an order to show cause and a temporary restraining order on December 18, 2020 (Dkt. 18), the order to show cause and temporary restraining order that the Court entered on December 18, 2020 (Dkt. 17), the \$5,000 cash that Mattel posted as security for the temporary restraining order (Dkt. January 4, 2021), and the service of the order on Amazon.com, Inc. and Defendants in substantial conformity with its terms (See Dkt. 19 and Dkt. 5, ¶ 3), the Court makes the following findings of fact and conclusions of law pursuant to Rules 64 and 65 of the Federal Rules of Civil Procedure and New York CPLR § 6210.

1. This is an action for money damages.

2. Mattel has demonstrated a likelihood of success on the merits of its claims for trademark infringement and trademark counterfeiting against Defendants.

3. Defendants are not domiciled in this State.

4. Defendants have not filed any counterclaim.

5. The Court has personal jurisdiction over the Defendants pursuant to New York CPLR § 302(a)(1), because Mattel's claims arise out of Defendants' sales, or contracts for sales, into this State.

6. An order of attachment is an appropriate exercise of the Court's discretion, as it is necessary to ensure that any judgment Mattel obtains in this action against Defendants is satisfied.

7. Counsel for Mattel has represented that Amazon has disclosed that pursuant to the temporary restraining order entered herein on December 18, 2020, it has frozen accounts of Defendants containing \$2,038.48.

And it is therefore

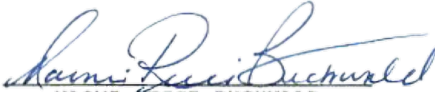
ORDERED that, pursuant to Rules 64 and 65 of the Federal Rules of Civil Procedure and New York CPLR §§ 6201 and 6210, the aforesaid funds of Defendants at Amazon.com, Inc. be, and hereby are, attached; and it is further

ORDERED that Defendants, their officers, agents, servants, employees, and attorneys, all persons in active concert or participation with any of them who receive actual notice of this order, be, and hereby are, PRELIMINARILY ENJOINED from transferring, withdrawing or accepting any funds from any account of Defendants at Amazon.com, Inc. pending further order of the Court; and it is further

ORDERED that the \$5,000 cash that Mattel has posted with the Clerk of the Court shall continue to remain as security for the preliminary injunction entered herein.

Dated: New York, New York
January 11, 2021
Issued at 12:00 PM

SO ORDERED.


NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE